

The Moray Council

Allocations Policy

Last Update - 1 September 2008

Contents

1. Principles and objectives of the Allocations Policy
2. Acceptance of applications to the Housing List
3. The assessment of priorities for housing
4. The process of allocating houses
5. Working with other housing providers
6. Complaints and appeal arrangements
7. General regulations
8. Information and advice
9. Performance monitoring

This document can be made available in large print, Braille, audio or in other languages.

1. Principles and Objectives of the Allocations Policy

1.1 Principles

The Council's Allocation Policy is influenced by the following principles which will underpin the Council's approach to the allocation of housing:

- Legality – the Council seeks to ensure that its Allocations Policy reflects the legal framework and good practice;
- Consistency – the Council will apply the Allocations Policy in a consistent manner so that all applicants with similar characteristics are treated in a similar manner to achieve similar outcomes;
- Openness – the Council will provide explanatory leaflets on the Policy and information on the operation of the Allocations Policy (whilst maintaining individual confidentiality);
- Responsiveness – the Council seeks to have a policy which is capable of responding to a wide range of complex individual needs and circumstances and which embodies an appeals process;
- Equal opportunities – the Council seeks to ensure that the Policy does not discriminate between applicants on the grounds of race, gender, sexual orientation, ethnic origin, religious belief, disability/illness or age.
- Local co-operation – the Council seeks to work with other housing providers in the area to best meet housing needs in Moray.

1.2 Objectives

1.2.1 To address housing needs in the area and where possible, to take into account applicants' housing aspirations.

1.2.2 To assess applications for housing in an objective, consistent and fair manner, complying with all relevant legislation and best practice.

1.2.3 To make best use of the available housing stock.

1.2.4 To sustain and promote local communities as far as is possible.

- 1.2.5 To monitor performance and respond to changing patterns of need as they may arise by reviewing the Allocations Policy of the Council on a regular basis.
- 1.2.6 To inform the Council's strategic planning processes.
- 1.2.7 To ensure that the Allocations Policy and practice is accessible to all applicants, by producing information in plain language that is clear and understandable.
- 1.2.8 The principles and objectives of the Allocations Policy are consistent with and will assist the Council in the achievement of the objectives detailed within the Social Programme element of the Corporate Plan.

1.3 Legal Context

- 1.3.1 Legislation governing allocations of Council housing is contained within Sections 19 – 21 of the Housing (Scotland) Act 1987 as amended by the Housing (Scotland) Act 2001.

2. Acceptance of Applications to the Housing List

- 2.1 The Housing List will comprise the Transfer List, the Homeless Priority List and the Waiting List. Applicants accepted onto the Transfer List will currently be tenants of The Moray Council. The Homeless Priority List will contain those applicants who have been assessed by the Council as being homeless, in priority need and unintentionally homeless. All other applicants will be placed on the Waiting List. The Council will seek to admit all applicants to the Waiting/Transfer List within 28 days of their application being received by the Council.
- 2.2 The ratio of allocations to be made to each group will be determined annually by the Communities Committee of the Council and will be applied at a Moray wide level.

- 2.3 In accordance with the Housing (Scotland) Act 2001, the Moray Council operates an 'open' housing list. Anyone aged 16 years and over is entitled to be admitted to the Housing List.
- 2.4 The Housing List maintained by the Council will be organised into Lettings Areas. Applicants are able to apply for as many or as few Lettings Areas as they wish and will be asked to indicate a first, second and third preference area.
- 2.5 Applicants will be asked to indicate their preferred house size. However, actual house size required (using the guidelines outlined in paragraph 3.2(b) of this policy) will be taken into consideration when allocating properties.

3. The Assessment of Priorities for Housing

- 3.1 The Council will assess all applicants for housing on a fair and consistent basis. The placing on the Transfer and Waiting List will be determined by the number of points awarded to an applicant, on the basis of their current circumstances. There is no maximum level of points that will be awarded to these applicants. Applicants on the Homeless Priority List will have no points awarded whilst they remain on that list and placing will be determined by the date of homeless application unless there are exceptional circumstances that merit an urgent offer of accommodation.
- 3.2 Points will be awarded for the following factors.

(a) Homelessness

Applicants who are homeless in priority need under the Housing (Scotland) Act 1987, as amended will be placed on the Homeless Priority List but will receive no points.

Applicants who are homeless but not in priority need, will be awarded **100 points**.

All homeless applicants will receive the same number of offers as any other applicant is entitled to under this Policy. However in recognising the immediate need for accommodation of those placed on the Homeless Priority List, the Council will consider offering any vacant property to an applicant who is on that list, providing that the offer can be regarded as reasonable given the particular circumstances of the applicant.

(b) Overcrowding

For the purposes of determining overcrowding, the Council considers that separate bedrooms are required for:

- husband/wife or similar partnerships;
- each person aged 16 years or over;
- children aged 5 years or over of different sex from other children of any age;
- no more than two persons of any age should occupy one bedroom; and
- children of the same sex where there is an age difference of 5 years or more between the elder and the younger child.

Applicants' current accommodation will be assessed on the above basis and points awarded, where there is a bedroom deficiency. For each bedroom for which the applicant's current accommodation is deficient, **100 points** will be awarded.

Where an applicant believes that a bedroom is insufficient in size to allow two persons to share, an applicant may request that a visit is made to assess whether additional overcrowding points should be considered.

In cases where an additional bedroom need arises from pregnancy, overcrowding points will be added to the application from the date of confirmation of the pregnancy. However, in allocating properties, preference will be given to instances where overcrowding currently occurs, rather than to instances of potential overcrowding.

Where an additional bedroom is required for frequent and regular overnight access to children, a total of **50 points** will be awarded per bedroom deficiency. Proof of contact arrangements must be provided from the Court or solicitor or Social Worker or the parent with whom the children usually reside.

(c) Medical Needs

Applicants wishing consideration of medical reasons in support of their application will complete a Medical Priority Assessment Form. Applications are assessed by a medically qualified person, in Public Health Medicine, employed by NHS Grampian.

The detailed procedures for medical needs assessments will be made available to all applicants in an advisory leaflet which will describe the application process, timescales and arrangements for review/appeals on medical points awarded. A Medical Review Group, comprising staff from the Housing Service, the Independent Medical Advisor and an Occupational Therapist will meet to consider reviews/appeals against medical points awarded/not awarded.

The medical assessment of points to be awarded will consider the extent to which the existing housing circumstances of the applicants adversely affect the applicant's health, or the health of a member of their household.

Points will be awarded on the following scale

Medical A	500 points
Medical B	350 points

Medical C	150 points
Medical D	50 points
Medical E	0 points

d) Under occupancy

Using the same guidelines as detailed in section 3.2.b) above, points will be awarded where applicants occupy houses larger than their requirements.

For each bedroom surplus to requirements **50 points**

For Transfer List applicants, **100 points** per bedroom surplus will be awarded to reflect management of the housing stock.

Any points awarded under this needs factor will be related to the actual number of bedrooms sought by the applicant.

e) Poor housing conditions

Poor housing conditions (including caravans) will be awarded on the following basis, following an inspection where this is required to ascertain condition:

Facilities are defined as sink, wash-hand basin, bath or shower, hot and cold water supply to facilities, and inside toilet.

Below Tolerable Standard and lacking facilities	250 points
Below Tolerable Standard with facilities	150 points
Lacking facilities but meets standard	100 points

f) Sharing amenities

Amenities considered for sharing points are kitchen, toilet and bathroom.

Applicants whose household share amenities with another household.

100 points

g) Key workers

Applicants who are taking up employment in Moray who can demonstrate that they are bringing a skill that is not available locally may be eligible for award of key worker points. In ascertaining whether an applicant may qualify for such points, the Council may seek the advice of the Job Centre/Employment Agency/Local Enterprise Company on the availability of such skills locally. The Council will require the applicant's employer to provide confirmation and support for a request for key worker points.

Applicants will only be eligible for key worker points in cases where their current permanent accommodation is beyond a reasonable travel to work distance from their employment. For the purposes of this section of the Policy, a reasonable travel to work time is defined as a car journey of one hour or less.

Tenancies granted to applicants with key worker points will normally be Scottish short secure tenancies, as defined in the Housing (Scotland) Act 2001. However, the Housing Needs Review Group (formerly the Housing Service Review Group) may consider requests for an extension of a short secure tenancy and may consider whether a secure tenancy should be granted, taking into account the relative demand and availability of accommodation in the area. The Housing Needs Review Group will review all SSSTs created under this section of the policy after a period of 9 months has elapsed in each tenancy.

100 points

h) Care and Support

Applicants will be awarded points if any of the following circumstances apply and are confirmed by a Social Worker, Care Manager, Care Provider, Housing Support Provider, Community Psychiatric Nurse,

General Practitioner, Doctor or Consultant, as may be appropriate given the individual circumstances of each case.

Where residential care/hospital is no longer appropriate.

Where supported accommodation/ supported lodgings/foster care is no longer appropriate.

250 points

i) Flatted/maisonette accommodation

Applicants with children under 16 years of age who are currently occupying flatted/maisonette accommodation where there is shared access within the building are awarded points as follows:

Residing in a first floor flat or above ground floor access maisonette for 1 year or over.

40 points

Residing in a second floor or over flat or maisonette where the living accommodation is on the second floor or above for 1 year or more.

75 points

j) Rural Connection

Where applicants have a local connection with a specific village or township and their wish to retain that local connection is reflected in their areas of choice, rural connection points will be applied to their application for the area in which the local connection exists.

These points will only apply to areas outwith Elgin, Forres, Buckie, Keith and Lossiemouth.

50 points

k) Exceptional circumstances

'Exceptional circumstances' points may be awarded in cases which cannot be appropriately considered within the Allocations Policy.

Applicants may request that their circumstances are referred to the Housing Needs Review Group for consideration of the award of such points. Applicants will have the right to appeal to a Sub Committee of the Community Services Committee against any decision of the Housing Needs Review Group. Any award of 'exceptional circumstances' points may only be made by either the Housing Needs Review Group or the Housing Appeals Sub Committee of the Communities Committee.

Exceptional circumstances points may range from **0 to 500 points**, depending on the specific circumstances of the applicant and the availability of housing.

4. The Process of Allocating Houses

- 4.1 Annually, the Communities Committee will review the ratio of allocations to be made to the Transfer, Homeless Priority and Waiting Lists. The ratio will be considered at a Council wide level. In deciding what list a vacancy should be let from, the Housing Needs Manager, in consultation with Area Housing Manager, will have regard to the number of vacancies arising in that letting area, the level of demand from the Transfer, Homeless Priority and Waiting Lists and any particular attributes of the property to be allocated.
- 4.2 In allocating any vacancy, the Housing Needs Manager will 'match' applicants' preferences to the attributes of the property to be allocated. Therefore, applicants who have indicated that certain house types/heating types etc are not acceptable to them may not be considered for vacancies with these attributes.
- 4.3 Allocations will normally be made to the applicants with the highest number of points for particular vacancies, where the applicant has a stated preference for housing in the lettings area in question. Sheltered/supported housing vacancies will be allocated on consideration of the points award for each applicant together with an

assessment of needs as required under Supporting People regulations. Where there is an equality of points for any allocation, the date of the application for housing will be considered.

- 4.4 Any allocation carried out under the terms of this policy which involves an employee of the Council, or a close relative, will be authorised by the Chief Housing Officer.
- 4.5 All allocations will be the responsibility of the Housing Needs Manager, in consultation with the appropriate Area Housing Manager. In accordance with legislation, neither the Local Member for a Lettings Area in which a vacancy is situated nor the Local Member for a Lettings Area in which an applicant currently resides will be involved in the allocation decision for that vacancy.
- 4.6 In accordance with legislation, in allocating housing, the Council will take no account of:
 - a) the length of time for which an applicant has resided in the area;
 - b) any outstanding liability (such as rent arrears) attributable to the tenancy of a house of which the applicant was not the tenant when the liability accrued;
 - c) any rent or other arrears accrued by the applicant on a previous tenancy which are no longer outstanding;
 - d) any liability which is outstanding but where
 - i) the extent of the liability is not more than one twelfth of the annual amount payable by the tenant to the landlord in respect of the tenancy; or
 - ii) the applicant:
 - has agreed arrangements with the landlord for paying the outstanding liability; has made payments in accordance with that arrangement for at least 3 months; and is continuing to make such payments.
 - e) any outstanding debts (including council tax arrears) of the applicant or anyone who it is proposed will reside with the

applicant which do not relate to the tenancy of a house (this would include a previous tenancy) i.e. which are not rent arrears or service charges. This means that any outstanding debts which do relate to the tenancy of the house – e.g. rent, repair recharges or service charges – can be taken into account.

- f) the age of the applicant provided that the applicant is 16 years of age or over except in the allocation of
 - (i) houses which have been designed or substantially adapted for occupation by persons of a particular age group
 - (ii) houses for persons who are, or are to be, in receipt of housing support services (within the meaning of section 91 of the 2001 Act) for persons of a particular age group.
- g) the income of the applicant and his family;
- h) whether, or to what value, the applicant or any of the applicant's family owns (or any of them own or have owned) heritable or moveable property.

4.7 In allocating housing, the Council will take no account of whether an applicant is resident in the area if the applicant:

- a) is employed, or has been offered employment in the area; or
- b) wishes to move into the area to seek employment and the Council is satisfied that this is the applicant's intention; or
- c) wishes to move into the area to be near a relative or carer; or
- d) has special social or medical reasons for requiring to be housed within the area; or
- e) wishes to move into the area because of harassment; or
- f) wishes to move into the area because he or she runs the risk of domestic violence.

4.8 Reasonable enquiries will be made where an applicant wishes to move into the area because of, for example, harassment, domestic violence or for employment reasons. These enquiries will at all times be made in a sensitive and appropriate way.

4.9 The Council may from time to time consider the use of Local Lettings Initiatives for specific Lettings Areas. A Local Lettings Initiative may have the effect of introducing additional criteria in the allocations process which may result in allocations in that Lettings Area not being determined in accordance with applicant's points levels. The Communities Committee will consider proposals for the declaration of any Local Lettings Initiative. Any Local Lettings Initiative agreed by the Council must accord with the overall principles and objectives of the Allocations Policy. Where a Local Lettings Initiative is proposed, detailed evidence to support the need for such an approach and why this cannot be met by the Allocations Policy itself will be considered by the Committee. Where a Local Lettings Initiative is agreed for a specific Lettings Area, the Council will ensure that applicants are advised of the Initiative. Any Local Lettings Initiative will be agreed for a specified period and will be reviewed annually by the Communities Committee.

5. Working with Other Housing Providers

5.1 The Council will negotiate Nomination Arrangements with Registered Social Landlords. These arrangements will provide the Council with the right to nominate applicants from the Council's Housing List for vacancies arising within the RSL's housing stock. The arrangements will not provide the Council with the right to allocate such vacancies and such allocations will be carried out in accordance with the specific RSL's Allocations Policy and Rules. The Housing Needs Manager will inform applicants who have been nominated to an RSL of the nomination.

5.2 The Council will negotiate a Section 5 protocol with RSLs in Moray. This will address the contribution that RSLs can make to tackling homelessness in the area.

- 5.3 Applicants will be asked to indicate whether they wish to be considered for a nomination to RSLs and on request, will be provided with further information regarding the RSL, tenancy arrangements etc.
- 5.4 Existing tenants of The Moray Council have the right to apply for permission to effect a mutual exchange with another public sector or Registered Social Landlord tenant. Such requests will be considered under the terms of the Housing (Scotland) Act 2001 and permission to exchange will not be unreasonably withheld.

6. Complaints and Appeal Arrangements

- 6.1 The Council operates a Complaints Procedure that is available to any applicant who is not satisfied with the way in which the application has been dealt with. Details of the Complaints Procedure can be obtained from any Council Office or Access Point.
- 6.2 Separate from the Complaints Procedure, a Review Procedure exists within the Allocations Policy to deal with instances where an applicant is dissatisfied with the decisions made on any aspect of the application. An applicant who is not satisfied with decisions made on the application should seek to discuss the situation with the Senior Housing Needs Officer or his nominated representative in the first instance. If an applicant remains dissatisfied, the applicant may write to the Housing Needs Manager to ask that the Housing Needs Review Group consider his case.
- 6.3 If an applicant remains dissatisfied following a decision by the Housing Needs Review Group, the applicant may write to the Chief Housing Officer, as the Council's senior housing advisor, to request that the case is considered by a Sub Committee of the Communities Committee.

- 6.4 If an applicant requires assistance to pursue a complaint, review or appeal, Council staff will provide assistance or will refer the applicant to an appropriate agency who may assist the applicant.
- 6.5 In accordance with legislation, any Sub Committee hearing will not involve either the Local Member for the Lettings Area in which a vacancy under appeal is situated or the Local Member for the area in which the applicant currently resides in the decision on the appeal to the Sub Committee.
- 6.6 An applicant has the right to pursue any complaint of maladministration in relation to a housing application with the Local Government Ombudsman or to seek a judicial review where this is appropriate.

7. General Regulations

- 7.1 All applicants registered on the Housing List will receive a written acknowledgement of their application, which will include notification of the applicant's unique reference number.
- 7.2 The Housing Needs Manager in the following circumstances may suspend applications from receiving offers of housing:
- (i) where an applicant has housing related debt of more than 1/12th of the annual amount payable (or which was payable) by the applicant to the landlord and no repayment arrangement has been agreed or maintained. In such cases, the suspension period will continue until the applicant has a repayment arrangement in place and maintained for a minimum period of three months;
 - (ii) where the applicant is a current tenant (public sector or otherwise) and a tenancy reference indicates that the property/garden is in poor condition, as a result of the tenant's actions. If clear evidence is provided showing that there has been an improvement, the suspension may be lifted after a minimum period of three months;

- (iii) where there is evidence of anti social behaviour (through either eviction or the granting of an Anti Social Behaviour Order). In such cases, the application may be suspended for a period up to 12 months. If clear evidence is provided showing that there has been a change in behaviour, the suspension may be lifted after a minimum period of three months;
- (iv) where an applicant has refused two reasonable offers of housing (detailed in section 7.3 of this policy). In such cases, the suspension period will be six months. Appeals against the suspension of offers of housing will be considered in terms of the appeals process detailed in section 6 of this policy.

7.3 If an applicant refuses two reasonable offers of housing within one year, the application will be deferred for a period of six months. During that period, no further offers of accommodation will be made. An offer will normally be considered reasonable if it is situated in a Lettings Area deemed acceptable by the applicant and otherwise meets the applicant's stated housing need as detailed on the application form. A refusal of accommodation from a RSL under the Nomination Process will count as a reasonable offer, providing that the applicant has indicated willingness to be considered for such nominations.

7.4 Before an allocation is made to a transfer list applicant, a tenancy inspection will be carried out. If the property is not in a reasonable condition, any offer of housing may be withdrawn. Following withdrawal of any offer, the application may be suspended from receiving offers of housing, as described in section 7.2 of this policy.

7.5 If it is found that an applicant has purposely changed addresses or acted otherwise to worsen housing circumstances to increase the award of points, the application will be assessed as if such a change had not been made. In such cases, the Housing Needs Review Group will review this decision after six months. In the event of a decision at that time to continue to assess the application as if such a change had

not taken place, a further review by the Housing Needs Manager will take place after a further six-month period.

- 7.6 In all cases where the applicant knowingly provides false or misleading information, the application shall be suspended from receiving offers of housing during an investigation. If the investigation shows that false or misleading information was knowingly provided, the application will be cancelled and the applicant asked to complete a new application form. The Council may seek court action to recover any tenancy granted on the basis of false or misleading information knowingly provided.
- 7.7 On notification of an applicant's death, the application will automatically be transferred to the surviving partner residing with the applicant. Where there is no surviving partner, the application may be transferred to any other person named in the application who has been resident with the applicant for a period of six months, providing that that person is aged 16 years or over. The applications will be re-assessed within 28 days of notification of the change in circumstances to the Council.
- 7.8 All applicants for housing will be asked in writing to renew their housing application annually. Failure to respond to this request will result in the application being removed from the Housing List. The applicant will be informed of the removal of the application from the Housing List. Requests for re-instatement to the Housing List after a period of three months from removal will require the applicant to complete a new housing application form.

8. Information and Advice

- 8.1 The Council will provide applicants with information and advice about their housing application. The Council aims to provide easily understood advice leaflets on the Allocations Policy and to provide details of alternative accommodation in the area, where possible. The Council will develop information and advice in a variety of formats such as large print, tape and Braille. The Council will provide interpreting

services free of charge, where these are required to assist applicants. Details of points levels etc will be provided to applicants in writing on acceptance of their application to the Housing List and at least annually thereafter. Applicants may request details of their points levels at reasonable intervals.

8.2 The Council will treat all applicants for housing with courtesy, sensitivity and in complete confidence. Applicants can request an interview with a member of staff to discuss their housing application. Applicants may request a same sex interview if they have to attend any interview held by a Council. Applicants will have the right to have a relative, friend or advisor present at any interview. Interviews will be held in private interview rooms and all information will be treated in complete confidence.

8.3 Applicants have the right of access to their personal files, under the Data Protection Act 1998. The applicant is required to make a request in writing. The applicant should also provide such information as the Council may reasonably require in order to be satisfied as to the identity of the person making the request and to locate the information which that person seeks. Further guidance is available from Council Offices.

8.4 The Council will make available to each applicant a summary of the Allocations Policy. On request, a copy of the full policy document will be made available free of charge.

9. Performance Monitoring

9.1 The Council currently monitors its performance in relation to the time taken to relet vacant properties and the amount of rent lost as a result of vacant properties. Reports on these performance indicators are presented to the Communities Committee of the Council on a quarterly basis.

9.2 The Council will set performance standards in relation to its Allocations Policy and will monitor its achievement of these standards.

9.3 In addition to statutory performance indicators, the Council will also monitor.

Annually:

- equal opportunities performance information;
- the number of allocations carried out with analysis of the points levels and needs factors of applicants housed together with an analysis of trends;
- the number and circumstances of cases where exceptional circumstances points are awarded;
- the number of cases and circumstances in which key worker points are awarded;
- the operation of any agreed Local Lettings Initiatives;
- the number of requests for referral to the Housing Needs Review Group and the outcomes of these;
- the number of appeal requests following Housing Needs Review Group decisions and the outcomes of these; and
- the number of transfer list, homeless priority list and waiting list allocations carried out each year.

Quarterly:

- the number and reasons for refusals of offers of housing;
- the number of mutual exchange requests agreed;
- the number of nominations made to Registered Social Landlords;
- the number of acceptances and refusals of nominations; and
- performance in relation to the target period for admission to the List.

9.4 The performance indicators detailed in paragraphs 9.2 and 9.3 will be reported to the Communities Committee. These reports will be public

documents. The confidentiality of individual applicants' circumstances will be maintained.

- 9.5 The Council will welcome views of applicants on the Allocations Policy, the procedures adopted by the Council and how applications are dealt with. Within the Application Form details provided to applicants, the Council will provide each applicant with a standard form in which comments on the policy/procedures etc can be made. Where any comments are received, the Council undertakes to respond to each of these.
- 9.6 The Council will review the operation of the Allocations Policy on an annual basis.